

ACKNOWLEDGMENTS

1. The Examiner acknowledges receipt of the amendment file 6/17/10 wherein claims 1, 6-8, 16, 20, and 21 were amended and claims 2, 3, and 9-13 were canceled.

EXAMINER'S AMENDMENT

2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jerrick Ho on 7/30/10.

The application has been amended as follows.

Replace claim 4 with the following.

4. (Currently Amended) The medical composition according to claim 1, wherein the basic amino acid is at least one selected from the group consisting of arginine, histidine, and lysine.

Replace claim 6 with the following.

5. (Currently Amended) A diagnostic or therapeutic pharmaceutical comprising the medical composition of claim 1 and a pharmacologically acceptable additive.

Cancel claim 7.

Cancel claim 8.

Replace claim 15 with the following.

15. (Currently Amended) The composition of claim 1 in freeze-dried form.

Cancel claim 16.

Replace claim 17 with the following.

17. (Currently Amended) The medical preparation according to claim 1
wherein the metal is a radioactive metal or paramagnetic metal.

Replace claim 20 with the following.

20. (Currently Amended) A method for labeling a peptide with a metal wherein the peptide is selected from the group consisting of N-formyl-Nle-Leu-Phe-Nle-Tyr-Lys(NH₂)-ε(-Ser-Cys-Gly-Asn) (SEQ ID NO: 1), N-formyl-Nle-Leu-Phe-Nle-Tyr-Lys(NH₂)-ε(-Ser-Cys-Gly-Asp) (SEQ ID NO: 2), N-formyl-Nle-Leu-Phe-Nle-Tyr-Lys-ε(-Ser-Cys-Asp-Asp) (SEQ ID NO: 3), N-formyl-Nle-Leu-Phe-Nle-Tyr-Lys(NH₂)-ε(-Ser-D-Arg-Asp-Cys-Asp-Asp) (SEQ ID NO: 4), N-formyl-Nle-Leu-Phe-Nle-Tyr-Lys(NH₂)-ε(-Ser-D-Arg-diethylenetriaminepenaacetic acid (DTPA)) (SEQ ID NO: 5), N-formyl-Met-Leu-Phe-Lys-ε(-Asp-Asp-mercaptoproacetyl) (SEQ ID NO: 7), N-formyl-Met-Leu-Phe-Lys-ε(-Gly-Asp-mercaptoproacetyl) (SEQ ID NO: 8), and N-formyl-Met-Leu-Phe-Lys-ε(-Gly-Gly-mercaptoproacetyl) (SEQ ID NO: 9), comprising the steps of: dissolving the peptide in an aqueous solvent of a basic organic compound; and then labeling the resulting product with a metal.

Replace claim 21 with the following.

21. (Currently Amended) The method according to claim 20, wherein the peptide labeled with a metal is insoluble or poorly soluble in an aqueous solvent.

Replace claim 22 with the following.

22. (Currently Amended) The method according to claim 20, wherein the basic organic compound is a basic amino acid or a basic compound having an imidazole ring.

Replace claim 23 with the following.

23. (Currently Amended) The method according to claim 22, wherein the basic amino acid is selected from the group consisting of arginine, histidine, and lysine.

Replace claim 24 with the following.

24. (Currently Amended) The method according to claim 22, wherein the basic compound having an imidazole ring imidazole.

Replace claim 25 with the following.

25. (Currently Amended) The method according to claim 20, wherein the metal is a radioactive metal or paramagnetic metal.

Replace claim 26 with the following.

26. (Currently Amended) The method according to claim 25, wherein the radioactive metal is selected from Tc-99m, In-111, Ga-67, Y-90, Sn-117m, Sm-153, Re-186, and Re-188.

Replace claim 27 with the following.

27. (Currently Amended) The method according to claim 25, wherein the paramagnetic metal is selected from Gd, Fe, Mn, Cu, and Dy.

Cancel claim 28.

PRIORITY DOCUMENT

3. Receipt is acknowledged of papers filed 8/31/06 submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

COMMENTS/NOTES

4. Claims 1, 4-6, 14, 15, and 17-27 are allowable over the prior art of record because the prior art neither anticipates nor renders a composition or method of labeling a peptide comprising a basic organic compound and the peptides as set forth in independent claims 1 and 20.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D L. Jones whose telephone number is (571)272-0617. The examiner can normally be reached on Mon.-Fri., 6:45 a.m. - 3:15 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D L. Jones/
Primary Examiner
Art Unit 1618

July 30, 2010